

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2006 OCT 18 A 9:57

CLERK *B. McLarty*  
SO. DIST. OF GA.

DAVID CARL MARSHALL,

Petitioner,

v.

CV 102-087

RANDY K. TILLMAN, Warden,

Respondent.

**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, this 28 U.S.C. § 2254 petition is **DENIED**, this civil action is **CLOSED**, and a final judgment is **ENTERED** in favor of Respondent.

SO ORDERED this 18<sup>th</sup> day of October, 2006, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE